

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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WRIT PETITION NO.9563 OF 2006

(DATED : 02.05.2006)

Between:

Smt.Bollineni Usha Rani

...Petitioner

A n d

The Asst.Directorof Mines and Geology, Chittor & Others

...Respondents

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ORDER:

The learned Government Pleader for Industries concedes that there is no power to seize the vehicle transporting Black Granite blocks beyond the permissible limits.

Petitioner's lorry bearing No.AP 03 U 7326 was intercepted during route check at Madanapalli on the midnight of 24/25-04-2006 and was found transporting two Black Granite blocks of 4.321 cubic metres and 4.080 cubic metres, totaling 8.401 cubic metres. The transit permit was only for 2.592 cubic metres and 2.112 cubic metres, in all, for 4.704 cubic metres. Thus, qua the permit, an excess of 3.697 cubic metres was being transported from the lessee M/s. Siri Traders, Madanapalli to the consignee Sri Surya Teja Granites Private Limited, Tadipathri.

In view of the admission on the point of law on behalf of the respondents that there is no law, which permits seizure or confiscation of a vehicle transporting granite beyond permissible limits and in view of the submission on behalf of the learned Government Pleader for Industries that a show cause notice has already been issued to the lessee-M/s. Siri Traders for payment of the amount on account of illegal quarrying and transportation, there appears no legal justification for continuing the seizure of the lorry of the petitioner bearing No.A.P.03 U 7326. By the notice dated 27-04-2006, the petitioner is called upon to pay the normal seigniorage fee together with five times penalty as specified in the notice. She was demanded to pay an amount of Rs.1,01,172/-. According to the petitioner, the liability to pay seigniorage fee and the penalty amount is on the lessee and the learned Government Pleader has admitted that the lessee has been issued a show cause notice.

In the aforesaid circumstances, the writ petition is allowed. The impugned order of the first respondent dated 27-04-2006 is set-aside insofar as impounding of the petitioner's vehicle and calling upon her to pay the normal seigniorage fee together with five times penalty, an amount of Rs.1,01,172/-, is concerned. The respondents shall release the vehicle of the petitioner forthwith. No order as to costs.

GODA RAGHURAM,J

02-05-2006

Stp

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